

- Sec.  
8737. Special marketing loan provisions for upland cotton.  
8738. Special competitive provisions for extra long staple cotton.  
8739. Availability of recourse loans for high moisture feed grains and seed cotton.  
8740. Adjustments of loans.

#### SUBCHAPTER III—PEANUTS

8751. Definitions.  
8752. Base acres for peanuts for a farm.  
8753. Availability of direct payments for peanuts.  
8754. Availability of counter-cyclical payments for peanuts.  
8755. Producer agreement required as condition on provision of payments.  
8756. Planting flexibility.  
8757. Marketing assistance loans and loan deficiency payments for peanuts.  
8758. Adjustments of loans.

#### SUBCHAPTER IV—DAIRY

8771. Dairy product price support program.  
8772. Dairy forward pricing program.  
8773. Milk income loss contract program.

#### SUBCHAPTER V—ADMINISTRATION

8781. Administration generally.  
8782. Suspension of permanent price support authority.  
8783. Availability of quality incentive payments for covered oilseed producers.  
8784. Assignment of payments.  
8785. Tracking of benefits.  
8786. Prevention of deceased individuals receiving payments under farm commodity programs.  
8787. Hard white wheat development program.  
8788. Durum wheat quality program.  
8789. Storage facility loans.  
8790. Signature authority.  
8791. Information gathering.  
8792. Geographically disadvantaged farmers and ranchers.  
8793. Implementation.

### § 8701. Definition of Secretary

In this Act, the term “Secretary” means the Secretary of Agriculture.

(Pub. L. 110-234, §2, May 22, 2008, 122 Stat. 936; Pub. L. 110-246, §§2, 4(a), June 18, 2008, 122 Stat. 1664.)

#### REFERENCES IN TEXT

This Act, referred to in text, is Pub. L. 110-246, June 18, 2008, 122 Stat. 1651, known as the Food, Conservation, and Energy Act of 2008. For complete classification of this Act to the Code, see Short Title note set out below and Tables.

#### CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

Section was not enacted as part of title I of Pub. L. 110-246 which in part comprises this chapter.

#### EFFECTIVE DATE

Pub. L. 110-246, §4, June 18, 2008, 122 Stat. 1664, provided that:

“(a) IN GENERAL.—The Act entitled ‘An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes’ (H.R. 2419 of the 110th Congress) [Pub. L. 110-234, see Tables for classification], and the amendments made by that Act, are repealed, effective on the date of enactment of that Act [May 22, 2008].”

“(b) EFFECTIVE DATE.—Except as otherwise provided in this Act [Pub. L. 110-246, see Tables for classification], this Act and the amendments made by this Act shall take effect on the earlier of—

“(1) the date of enactment of this Act [June 18, 2008]; or

“(2) the date of the enactment of the Act entitled ‘An Act to provide for the continuation of agricultural programs through fiscal year 2012, and for other purposes’ (H.R. 2419 of the 110th Congress) [May 22, 2008].”

#### SHORT TITLE

Pub. L. 110-234, §1(a), May 22, 2008, 122 Stat. 923, and Pub. L. 110-246, §§1(a), 4(a), June 18, 2008, 122 Stat. 1651, 1664, provided that: “This Act [see Tables for classification] may be cited as the ‘Food, Conservation, and Energy Act of 2008’.”

[Pub. L. 110-234 and Pub. L. 110-246 enacted identical provisions. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246, set out as a note above.]

#### APPLICABILITY OF EXPLANATORY STATEMENT IN HOUSE REPORT 110-627 TO PUB. L. 110-246

Pub. L. 110-246, §3, June 18, 2008, 122 Stat. 1664, provided that: “The Joint Explanatory Statement submitted by the Committee of Conference for the conference report to accompany H.R. 2419 of the 110th Congress (House Report 110-627) shall be deemed to be part of the legislative history of this Act [Pub. L. 110-246, see Tables for classification] and shall have the same effect with respect to the implementation of this Act as it would have had with respect to the implementation of H.R. 2419 [enacted as Pub. L. 110-234].”

### § 8702. Definitions

In this chapter (other than subchapter III):

#### (1) Average crop revenue election payment

The term “average crop revenue election payment” means a payment made to producers on a farm under section 8715 of this title.

#### (2) Base acres

##### (A) In general

The term “base acres”, with respect to a covered commodity on a farm, means the number of acres established under section 7911 of this title as in effect on September 30, 2007, subject to any adjustment under section 8711 of this title.

##### (B) Peanuts

The term “base acres for peanuts” has the meaning given the term in section 8751 of this title.

#### (3) Counter-cyclical payment

The term “counter-cyclical payment” means a payment made to producers on a farm under section 8714 of this title.

#### (4) Covered commodity

The term “covered commodity” means wheat, corn, grain sorghum, barley, oats, upland cotton, long grain rice, medium grain rice, pulse crops, soybeans, and other oilseeds.

#### (5) Direct payment

The term “direct payment” means a payment made to producers on a farm under section 8713 of this title.

#### (6) Effective price

The term “effective price”, with respect to a covered commodity for a crop year, means the

price calculated by the Secretary under section 8714 of this title to determine whether counter-cyclical payments are required to be made for that crop year.

**(7) Extra long staple cotton**

The term “extra long staple cotton” means cotton that—

(A) is produced from pure strain varieties of the *Barbadense* species or any hybrid of the species, or other similar types of extra long staple cotton, designated by the Secretary, having characteristics needed for various end uses for which United States upland cotton is not suitable and grown in irrigated cotton-growing regions of the United States designated by the Secretary or other areas designated by the Secretary as suitable for the production of the varieties or types; and

(B) is ginned on a roller-type gin or, if authorized by the Secretary, ginned on another type gin for experimental purposes.

**(8) Loan commodity**

The term “loan commodity” means wheat, corn, grain sorghum, barley, oats, upland cotton, extra long staple cotton, long grain rice, medium grain rice, soybeans, other oilseeds, graded wool, nongraded wool, mohair, honey, dry peas, lentils, small chickpeas, and large chickpeas.

**(9) Medium grain rice**

The term “medium grain rice” includes short grain rice.

**(10) Other oilseed**

The term “other oilseed” means a crop of sunflower seed, rapeseed, canola, safflower, flaxseed, mustard seed, crambe, sesame seed, or any oilseed designated by the Secretary.

**(11) Payment acres**

The term “payment acres” means, in the case of direct payments and counter-cyclical payments—

(A) except as provided in subparagraph (B), 85 percent of the base acres of a covered commodity on a farm on which direct payments or counter-cyclical payments are made; and

(B) in the case of direct payments for each of the 2009 through 2011 crop years, 83.3 percent of the base acres for the covered commodity on a farm on which direct payments are made.

**(12) Payment yield**

The term “payment yield” means the yield established for direct payments and the yield established for counter-cyclical payments under section 7912 of this title as in effect on September 30, 2007, or under section 8712 of this title, for a farm for a covered commodity.

**(13) Producer**

**(A) In general**

The term “producer” means an owner, operator, landlord, tenant, or sharecropper that shares in the risk of producing a crop and is entitled to share in the crop available for marketing from the farm, or would have shared had the crop been produced.

**(B) Hybrid seed**

In determining whether a grower of hybrid seed is a producer, the Secretary shall—

(i) not take into consideration the existence of a hybrid seed contract; and

(ii) ensure that program requirements do not adversely affect the ability of the grower to receive a payment under this chapter.

**(14) Pulse crop**

The term “pulse crop” means dry peas, lentils, small chickpeas, and large chickpeas.

**(15) State**

The term “State” means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico; and

(D) any other territory or possession of the United States.

**(16) Target price**

The term “target price” means the price per bushel, pound, or hundredweight (or other appropriate unit) of a covered commodity used to determine the payment rate for counter-cyclical payments.

**(17) United States**

The term “United States”, when used in a geographical sense, means all of the States.

**(18) United States Premium Factor**

The term “United States Premium Factor” means the percentage by which the difference in the United States loan schedule premiums for Strict Middling (SM) 1½-inch upland cotton and for Middling (M) 1⅜-inch upland cotton exceeds the difference in the applicable premiums for comparable international qualities.

(Pub. L. 110-234, title I, § 1001, May 22, 2008, 122 Stat. 936; Pub. L. 110-246, § 4(a), title I, § 1001, June 18, 2008, 122 Stat. 1664.)

REFERENCES IN TEXT

This chapter, referred to in text, was in the original “this title”, meaning title I of Pub. L. 110-246, June 18, 2008, 122 Stat. 1664, which is classified principally to this chapter. For complete classification of title I to the Code, see Tables.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

SUBCHAPTER I—DIRECT PAYMENTS AND COUNTER-CYCLICAL PAYMENTS

**§ 8711. Base acres**

**(a) Adjustment of base acres**

**(1) In general**

The Secretary shall provide for an adjustment, as appropriate, in the base acres for covered commodities for a farm whenever any of the following circumstances occurs:

(A) A conservation reserve contract entered into under section 1231 of the Food Security Act of 1985 (16 U.S.C. 3831) with respect to the farm expires or is voluntarily